

THE AMENDMENTS TO THIS RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 3, 2007. THE RULE HAS BEEN FILED WITH THE DIVISION OF ADMINISTRATIVE RULES AND IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2007 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 9, 2007.

**R277. Education, Administration.**

**R277-464. Highly Impacted Schools.**

**R277-464-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

~~[B]~~C. "School" means a public school, other than a special purpose school, primarily intended to serve students from a specific geographical area in any of grades K through 12.

~~[E]~~D. "Special purpose school" means a school primarily intended to serve a special population of students such as students at risk, students with disabilities, or other special designation.

E. The "student mobility" factor means the proportion of students who move and have a change in school assignment during a school year. It is a percent, calculated as follows:

(1) stable students (SS), those who [stay]are reported as enrolled in the same school for the entire school year~~[-from beginning to end and leave only for excused reasons and return to the same school]~~; divided by

(2) unduplicated cumulative enrollment (CE) in a school over a given school year; subtracted from

(3) 1, and multiplied by 100; or (1 - (SS/CE))100.

F. The "students who are eligible for free school lunch" factor means the total number of students [so determined]in [the]a school reported as economically disadvantaged using federal child nutrition income eligibility guidelines.

~~[H]~~G. The "[limited English proficient students (LEP)]English Language Learner (ELL)" factor means the total number of ~~[LEP]~~ELL students in a school reported as having proficiency in the English language at or below the level of intermediate on the basis of the Utah Academic Language Proficiency Assessment (UALPA)~~[-on March 1 as determined below:~~

~~(1) individuals whose native language is other than English;~~

~~(2) individuals who come from environments where a language other than English is dominant; or~~

~~(3) individuals who are American Indian and Alaskan natives; and~~

~~(4) who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society].~~

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[G]H. The "ethnic minority students" factor means the total number of ~~[ethnic minority]~~students in a school ~~[on March 1 as determined below]~~reported as:

- (1) American Indian or Alaskan native;
- (2) Hispanic;
- (3) Asian;
- (4) Pacific Islander; or
- (5) Black, ~~[not of Hispanic origin]~~using federal guidelines.

I. The "students from single parent families" factor means the total number of students in a school who live in a household headed by a male without a wife present or by a female without a husband present~~[, computed on March 1]~~ derived from data on persons age 5 through 17 in a geographic area approximating the service area of the school who live in a household with a similar composition.

[D]J. "USOE" means the Utah State Office of Education.

#### **R277-464-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, Section 53A-15-701(3) which directs the State Superintendent of Public Instruction and the Board to develop a formula, administer the program, distribute the appropriation and monitor the effectiveness of highly impacted school programs, Section 53A-17a-121(2) which directs the Board to develop rules to implement programs for at risk students and distribute funds for at risk programs, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish criteria and procedures for distributing funds to highly impacted schools. The intent of this appropriation is to provide students with increased educational contact with qualified staff.

#### **R277-464-3. ~~[Distribution of]~~Applications and Distribution of Funds.**

A. Awards shall be made to individual schools and funds allocated to school districts or charter schools shall be fully distributed to designated schools.

B. Applications shall be provided ~~[by]~~through the USOE.

C. Schools shall be selected for funding based on an analysis of the eligibility factors designated in Section 53A-15-701(2)(a). Those factors shall be equally weighted.

(1) Beginning with the FY 2009 funding cycle, statistics for school eligibility determination and allocations shall be based on the latest available data from the Year End upload of the Data Clearinghouse consistent with the funding schedule, except for the

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single parent status statistic, which shall be derived from Census Bureau data sources.

(2) Schools may use funds for learning programs identified by the school, if the school provides:

(a) goals;  
(b) activities; and  
(c) outcomes, consistent with the proposed activities that are directly tied to the school's plan to increase student achievement.

~~[D.]~~(2) Each school selected for funding shall receive a base allocation.

~~[E]D.~~ Based on available funds, schools shall be ~~[guaranteed three years of funding]~~funded on a three-year funding cycle, beginning in FY 2009.

E. In the event of closure of a school funded under this rule, the school district to which the school belongs may designate another school within the school district as highly impacted.

(1) In designating a new or different highly impacted school within the school district, the school district cannot exceed its total original number of highly impacted schools.

(2) The school district shall provide a rationale for designating the new school as highly impacted using the criteria under Section 53A-15-701(2).

(3) The at-risk factors in the newly designated school shall be comparable to the risk factors in the closed school.

(4) A school district may not divert funds from operating highly impacted schools within the school district to fund a newly designated highly impacted school.

F. ~~[The formula for distribution of funds shall take into consideration the total of all students enrolled in the school and shall equally weight the five factors, student mobility, students eligible for free school lunch, students of ethnic minorities, students of limited English proficiency, and students from single parent families, designated in Section 53A-15-701(2)(a). Schools shall provide data required for funding using the five factors defined under Section 53A-15-701(2)(a).]~~The school district shall provide an application for reallocating highly impacted funds from a closed school to a different school within the school district prior to the school district distributing the funds to the newly designated school. Failure to properly apply to the USOE in a timely manner for reallocation of highly impacted funding from a closed school to a newly designated school within the school district may result in recapture of funds from the school district or the newly designated school by the USOE.

G. Schools receiving funding shall be notified by June 30.

#### **R277-464-4. Evaluation and Reports.**

Each school selected for funding shall be required to submit

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an annual evaluation report to the USOE consistent with Section 53A-15-701(6)(a).

**KEY: students at risk**

**Date of Enactment or Last Substantive Amendment: [~~July 16, 1996~~]2007**

**Notice of Continuation: July 6, 2005**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-121(2); 53A-1-401(3); 53A-15-701(3); 53A-15-701(2)(a)**